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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 TYCO HEALTHCARE GROUP LP d/b/a) LEAD CASE NO. C08-03129 MMC
12 VNUS MEDICAL TECHNOLOGIES,) CASE NO. C08-03129 MMC
13 Plaintiff,) **AMENDED**
14 v.) **[PROPOSED] ORDER GRANTING IN
15 BIOLITEC, INC. and NEW STAR LASERS,) PART AND DENYING IN PART
16 INC. d/b/a COOLTOUCH, INC..) DEFENDANTS' MOTION FOR
17 Defendants.) ADMINISTRATIVE RELIEF TO FILE
18) DOCUMENTS UNDER SEAL (D.I. 265)
19)
20 TYCO HEALTHCARE GROUP LP d/b/a) [CIVIL L.R. 7-11, 79-5]
21 VNUS MEDICAL TECHNOLOGIES,)
22 Plaintiff,) CASE NO. C08-04234 MMC
23 v.) (consolidated with C08-3129 MMC)
24 TOTAL VEIN SOLUTIONS, LLC d/b/a)
TOTAL VEIN SYSTEMS,)
Defendant.)
25)
26)**

1 Before the Court is the Defendants' Motion for Administrative Relief to File Documents
 2 Under Seal dated August 30, 2010, by which Defendants seek leave to file under seal unredacted
 3 versions of certain documents submitted in support of a Motion in Limine (1) to Preclude VNUS
 4 from Introducing Settlement Agreements or Related Evidence; (2) to Preclude VNUS from Relying
 5 on Evidence Related to 510(k) Statements of Substantial Equivalence; (3) to preclude Reference to
 6 Defendants as a Group; (4) to Preclude VNUS from Referring to Unclaimed Functions of
 7 Tumescent Anesthesia; and (5) to Preclude Julie Davis from Testifying as to Impermissible Reply
 8 Opinions (collectively "Defendants' Motions in Limine").

9 Having reviewed the parties' submissions filed in support of the motion, the Court rules as
 10 follows:

- 11 1. The motion is GRANTED in part, specifically, as to the following documents that
 12 or Dornier Medtech America, Inc. ("Dornier")¹
 13 plaintiff has shown contain material properly filed under seal (see Kertz Decl., filed September 2,
 14 ^
 15 2010), each of which the requesting party is directed to file ~~under seal~~ no later than September 21,
 16 2010 under seal:
 17 • Exhibits 1 (bates-stamped pages VNUS_150328-29, VNUS_150331,
 18 VNUS_150336, VNUS_150338-41, VNUS_150348), 5, 6 (pages 27, 30, 34-35, 45,
 19 55), 10, 12, 13, 15 (pages 7-10), 19 (bates-stamped pages VNUS_144136-140), 20,
 20 28, and 29 (pages 13, 15-16, 28) to the Declaration of Charles T. Steenburg in
 21 Support of Defendants' Motions in Limine Numbers 1 through 6
 22 • Redacted pages 2 (lns. 11-13, 16, 24-26, 29), 3 (lns. 1-4, 9-10, 27-28), and 6 (ln. 15)
 23 of Defendants' Motion in Limine No. 1, filed on August 30, 2010
 24 • Redacted page 3 (lns. 1-9) of Defendants' Motion in Limine No. 3, filed on August
 25 30, 2010
 26 • Redacted page 2 (lns. 1-5, 25-28) of Defendants' Motion in Limine No. 4, filed on
 27 August 30, 2010

28 2. The motion is DENIED in part, specifically, as to the following documents, in light
 29 of plaintiff's having withdrawn its prior designation of confidentiality, each of which the requesting
 30 party is directed to file in the public record no later than ~~five calendar days from the date of this~~

1 Dornier's showing was made after the Court issued its order of September 10, 2010.

1 order: September 21, 2010:

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- 4
- Exhibits 8, 9, 18, and 27 to the Declaration of Charles T. Steenburg in Support of
 - Defendants' Motions in Limine Numbers 1 through 6
 - Designated portions of Defendants' Motions in Limine not identified above, and any
 - portion of Exhibits 1, 6, 15, and 29 not identified above.
- 5

6 IT IS SO ORDERED.

7 Dated: September 15 2010


HON. MAXINE M. CHESNEY
United States District Judge

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